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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,679	05/26/2000	Akihisa Yamazaki	0905-0236P-SP	9832
2292	7590	08/10/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 08/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/578,679

**Applicant(s)**

YAMAZAKI, AKIHISA

**Examiner**

Sheila B. Smith

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizikovsky (U. S. Patent Number 5,559,860).

**Regarding claim 1**, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a data communication system (which reads on a cellular system) comprising a mobile telephone (10) capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface), and an image processing unit (52a facsimile device), capable of data communication with said mobile telephone and of image output (which reads on column 6 lines 50-57); wherein said mobile telephone includes: a first data receiving unit (44) for receiving data transmitted from said communication apparatus (which reads on column 6 lines 7-21) wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-

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programmed calling parties disclosed in column 8 lines 13-18); a data transmitting unit (53) for transmitting the data received by said first data receiving unit to said image processing unit (which reads on column 7 lines 21-31); and an incoming voice alert generating unit (510, 522 exhibited in figure 5) for issuing an incoming call alert when data that has been received by said first data receiving unit represents voice data (which reads on column 7 lines 60-67); and said image processing unit includes: a second data receiving unit (36) for receiving data transmitted from said data transmitting unit of said mobile telephone (52b exhibited in figure 1); and an incoming image alert generating unit (48) for generating an incoming call alert when data that has been received by said second data receiving unit (36) represents image data (which reads on column 3 lines 1-7).

***Regarding claim 2,*** Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a mobile telephone (10) capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface) and with an image processing unit (52a facsimile device) that is capable of outputting an image, comprising: a data receiving unit for receiving data transmitted from said communication apparatus wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18); a data transmitting unit (52) for transmitting the data received by said data receiving

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unit to said image processing unit (which reads on column 7 lines 21-31); and an incoming call alert generating unit (48) for issuing a first incoming call alert when data that has been received by said data receiving unit represents voice data and a second incoming call alert (which reads on column 2 lines 60-67), which is different from the first incoming call alert, when the data that has been received by said data receiving unit represents image data (which reads on column 3 lines 1-7).

**Regarding claim 3**, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a reception incapable data transmitting unit (18) which, when said image processing unit is incapable of receiving data, is for transmitting data indicative thereof to said communication apparatus that transmitted the data incapable of being received (which reads on column 7 lines 21-31).

**Regarding claim 4**, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a mobile telephone (10) capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface) and with a plurality of image processing units (52-52f) that are capable of outputting images comprising: a data receiving unit (44) for receiving data transmitted from said communication apparatus wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine

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if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18); a data transmitting unit (52) for transmitting the data received by said data receiving unit to said image processing unit (which reads on column 7 lines 21-31); and an incoming call alert generating unit (48) for issuing a first incoming call alert when data that has been received by said data receiving unit represents voice data and a second incoming call alert (which reads on column 2 lines 60-67), which is different from the first incoming call alert, when the data that has been received by said data receiving unit represents image data (which reads on column 3 lines 1-7); a setting unit (42) for setting which of said plurality of image processing units is to receive image data (which reads on column 7 lines 14-19); and an incoming call alert generation controller (52) for controlling the plurality of image processing units in such a manner said image processing unit that has been set by said setting unit will issue an incoming calls alert when it receives data representing image data (which reads on column 7 lines 61-67).

***Regarding claim 5***, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a image processing unit (18) capable of data communication with a mobile telephone (10) and of image output, said mobile telephone (10) being capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface), said image processing unit comprising: a data receiving unit (44) for receiving data, which has been transmitted from said communication apparatus, via said mobile telephone (which reads on column 6 lines 7-21) wherein the received data includes information identifying the received data as voice, text,

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image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18); and an incoming image alert generating unit (48) for issuing an incoming call alert when data that has been received by said data receiving unit represents image data (510, 522 exhibited in figures 1 and 5).

***Regarding claim 6,*** Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a method of controlling a mobile telephone capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface) and of communicating with an image processing unit (18) that is capable of outputting an image, said method comprising the steps of receiving data which is transmitted from the communication apparatus (52) wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18), in such a manner that the data can be transmitted to the image processing unit; using a first incoming call alert when the received data is voice data; and issuing a second incoming call alert, which is different from the first incoming call alert, when the received data is image data (which reads on column 2 lines 60-67).

**Regarding claim 7**, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a method of controlling a mobile telephone capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface) and of communicating with a plurality of image processing units (52-52f) that are capable of outputting images, said method comprising the steps of receiving data, which is transmitted from the communication apparatus (which reads on column 6 lines 6-21) wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18), in such a manner that the data can be transmitted to the image processing units (18); issuing an incoming call alert when data that has been received is data representing voice data (which reads on column 2 lines 61-66); setting which of the plurality of image processing units is to receive image data (which reads on column 7 lines 14-19); and controlling the plurality of image processing units in such a manner the image processing unit that has been set will issue an incoming call alert when it receives data representing image data (which reads on column 7 lines 25-27).



***Regarding claim 8***, Mizikovsky discloses essentially all the claimed invention as set forth in the instant application, further Mizikovsky discloses user selectable response to an incoming call at a mobile station. In addition Mizikovsky discloses a method of controlling an image processing unit (18) capable of data communication with a mobile telephone and of image output, said mobile telephone (10) being capable of communicating with a communication apparatus (52) via a network (which reads on a peripheral multi purpose interface), said method comprising the steps of receiving data, which has been transmitted from said communication apparatus (which reads on column 6 lines 6-21) wherein the received data includes information identifying the received data as voice, text, image or moving picture data (which reads on Caller ID processor 44 is adapted to compare the received calling party identifying data with the identifying data previously stored in caller ID memory 46 to determine if the calling party is one of the previously selected, or pre-programmed calling parties disclosed in column 8 lines 13-18), via said mobile telephone (10); and issuing an incoming call alert when data that has been received represents image data (which reads on column 7 lines 25-27).

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

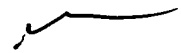
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith

July 31, 2004



DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600